



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
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	:	
	:	
BARBARA A. MOOS, LPN	:	FINAL ORDER
License # 26NP05699600	:	OF DISCIPLINE
	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Barbara A. Moos ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about April 08, 2013, Respondent completed and submitted an online biennial renewal for the period of June 01, 2013 to May 31, 2015.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 01, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

4. Upon receipt of a Medical Malpractice Payment Report indicating that a payment was made on behalf of Respondent for a June 2007 incident, the Board sent a letter of inquiry to Respondent's address of record in Florence, New Jersey, via regular and certified mail on or about May 22, 2013 requesting certain information about the malpractice action and submission of continuing education completed within the biennial period of June 1, 2011 - May 31, 2013.

5. Regarding continuing education, Respondent provided certificates of completion for the following hours: 13 hours within the June 1, 2009 - May 31, 2011 biennial period; and 23 hours within the June 1, 2011 - May 31, 2013 biennial period.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3(b), licensees are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), licensees

are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the required continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Based upon the above finding, the Board further finds that Respondent engaged in the use of misrepresentation by falsely certifying that Respondent had completed all required continuing education in violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 7, 2015, provisionally suspending respondent's nursing license, and imposing a reprimand and a \$250 civil penalty. A copy of the Order was served upon the respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day

following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, and has provided documentation of qualifying continuing education, bringing her up-to-date for the 2009-2011 and 2011-2013 licensing cycles. A total of 25 contact hours of valid continuing education, completed in December of 2014, were utilized to remedy prior deficiencies. Respondent indicated that she believed that in-service courses offered by her employer qualified as required continuing education; she was apparently unaware that in-service courses generally do not qualify as continuing education for the purposes of N.J.A.C. 13:37-5.3. Respondent's attorney, however, maintained that respondent's indication on her renewal application that she would have timely completed required continuing education was not a deliberate falsification. The Board considered respondent's submissions, and determined that suspension was no longer applicable pursuant to the terms of the Provisional Order. Moreover, the Board

further determined , although the reprimand and \$250 penalty were warranted, respondent's provision of inaccurate information on her 2013 renewal application the description of that conduct was more appropriately described as misrepresentation, rather than deliberate falsification or dishonesty. The Board therefore modified the language of the order accordingly.

ACCORDINGLY, IT IS on this 30th day of March, 2015,

ORDERED that:

1. A reprimand is imposed on Respondent for engaging in misrepresentation with respect to the continuing education information on her license renewal application.

2. Respondent is hereby assessed a civil penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be

filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN
Patricia Murphy, PhD, APN
President